

Senate Amendment 3133

PAG LIN

1 1 Amend Senate File 504 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <Section 1. Section 22.7, Code 2007, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 58. A record obtained by the
1 7 department of agriculture and land stewardship or the
1 8 office of attorney general as a result of an
1 9 inspection of a covered packer conducted by the
1 10 department pursuant to section 202D.6.>
1 11 #2. Page 1, line 7, by striking the word <before>
1 12 and inserting the following: <before the>.
1 13 #3. Page 1, by striking lines 8 through 10 and
1 14 inserting the following: <premiums or discounts.>
1 15 #4. Page 1, line 19, by striking the words <a
1 16 processing> and inserting the following: <an in-state
1 17 processing>.
1 18 #5. Page 1, by striking lines 20 and 21 and
1 19 inserting the following: <thousand swine per business
1 20 day.>
1 21 #6. Page 1, line 23, by striking the word
1 22 <covered>.
1 23 #7. Page 1, line 25, by striking the word
1 24 <covered>.
1 25 #8. Page 1, by inserting after line 31 the
1 26 following:
1 27 <____. "In-state processing plant" means the
1 28 premises located in this state where swine are
1 29 slaughtered or otherwise prepared for food, if all of
1 30 the following apply:
1 31 a. The premises is subject to inspection by the
1 32 United States department of agriculture pursuant to
1 33 federal law including the federal Meat Inspection Act,
1 34 and is not generally subject to inspection by the
1 35 department of agriculture and land stewardship under
1 36 chapter 189A.
1 37 b. An average of at least one hundred thousand
1 38 in-state-produced swine per year are slaughtered on
1 39 the premises during the immediately preceding five
1 40 calendar years or the premises had the capacity to
1 41 slaughter that number of in-state-produced swine in
1 42 any one of those years.>
1 43 #9. Page 1, by inserting after line 34 the
1 44 following:
1 45 <____. "In-state swine operation" means the
1 46 premises located in this state where swine are fed or
1 47 otherwise maintained, including a building, lot, yard,
1 48 or corral; and swine fed or otherwise maintained at
1 49 the premises.>
1 50 #10. Page 2, by striking lines 10 through 15 and
2 1 inserting the following:
2 2 <____. The producer does not own the packer, does
2 3 not hold a controlling interest in the packer, and is
2 4 not an officer, director, or employee of the packer.
2 5 If the producer is a business association, an officer,
2 6 director, or employee of the producer is not also an
2 7 officer, director, or employee of the packer.>
2 8 #11. Page 2, line 23, by striking the words <swine
2 9 operation in this state> and inserting the following:
2 10 <in-state swine operation>.
2 11 #12. Page 2, line 24, by striking the words <swine
2 12 operation in this state> and inserting the following:
2 13 <in-state swine operation>.
2 14 #13. Page 2, line 27, by striking the words <swine
2 15 operation in this state> and inserting the following:
2 16 <in-state swine operation>.
2 17 #14. Page 3, line 8, by striking the words <swine
2 18 operation in this state> and inserting the following:
2 19 <in-state swine operation>.
2 20 #15. Page 3, lines 14 and 15, by striking the
2 21 words <swine operation in this state> and inserting
2 22 the following: <in-state swine operation>.
2 23 #16. Page 3, line 18, by striking the words <swine
2 24 operation in this state> and inserting the following:

2 25 <in=state swine operation>.
2 26 #17. Page 3, line 23, by striking the words <swine
2 27 operation in this state> and inserting the following:
2 28 <in=state swine operation>.
2 29 #18. Page 3, line 29, by striking the word
2 30 <acting> and inserting the following: <and acting>.
2 31 #19. By striking page 3, line 31, through page 4,
2 32 line 7.
2 33 #20. Page 4, by inserting after line 23 the
2 34 following:
2 35 <____. "Record" means information stored or
2 36 preserved in any medium, including in an electronic or
2 37 paper format. A record includes but is not limited to
2 38 documents, books, publications, accounts,
2 39 correspondence, memoranda, agreements, computer files,
2 40 film, microfilm, photographs, and audio or visual
2 41 tapes.>
2 42 #21. Page 4, by striking lines 24 through 33 and
2 43 inserting the following:
2 44 <____. "Spot market sale" means the purchase of
2 45 in=state=produced swine by a packer from a producer
2 46 according to an oral or written agreement by the
2 47 packer and producer, if all of the following apply:
2 48 a. The in=state=produced swine are located in this
2 49 state at the time the packer and producer enter into
2 50 the agreement.
3 1 b. The in=state=produced swine are purchased at a
3 2 base price which is a fixed dollar amount expressed
3 3 per hundred weight in pounds as calculated using a
3 4 live weight basis method or hot carcass method
3 5 provided in the agreement.
3 6 c. The in=state=produced swine are slaughtered at
3 7 an in=state processing plant not more than fourteen
3 8 days after the date that the packer and producer enter
3 9 into the agreement, under circumstances in which the
3 10 producer has a reasonably competitive bidding
3 11 opportunity on the date of entering into the
3 12 agreement.>
3 13 #22. By striking page 4, line 34, through page 5,
3 14 line 2.
3 15 #23. Page 5, line 6, by striking the word <swine>
3 16 and inserting the following: <in=state=produced swine
3 17 in this state>.
3 18 #24. Page 5, by striking lines 10 through 12 and
3 19 inserting the following: <purchases in=state=produced
3 20 swine in this state, the covered packer shall purchase
3 21 at least twenty percent of all in=state=produced swine
3 22 from nonaffiliated producers by spot market sale.>
3 23 #25. Page 5, line 19, by striking the figure
3 24 <2008> and inserting the following: <2009>.
3 25 #26. Page 5, line 22, by striking the figure
3 26 <2009> and inserting the following: <2011>.
3 27 #27. Page 5, by striking lines 25 through 27.
3 28 #28. Page 5, line 29, by striking the figure
3 29 <2011> and inserting the following: <2012>.
3 30 #29. Page 5, by striking lines 30 and 31 and
3 31 inserting the following:
3 32 <____. In=state=produced swine which are received
3 33 by a covered packer pursuant to a custom slaughter
3 34 agreement shall not be used to calculate a percentage
3 35 of in=state=produced swine that the packer is required
3 36 to purchase under this section.
3 37 Sec. _____. NEW SECTION. 202D.5 ADMINISTRATION ==
3 38 RULEMAKING.
3 39 The department may adopt rules as necessary to
3 40 administer this chapter.
3 41 Sec. _____. NEW SECTION. 202D.6 ADMINISTRATION ==
3 42 INSPECTION OF RECORDS.
3 43 1. To every extent permitted by 7 U.S.C. } 1635 et
3 44 seq., and 7 C.F.R., pt. 59, the department may provide
3 45 for the inspection and reproduction of records
3 46 maintained by a covered packer necessary to ensure
3 47 compliance with this chapter. The department may
3 48 enter onto the premises of a covered packer during
3 49 regular business hours to inspect and reproduce such
3 50 records, provide for the inspection and reproduction
4 1 of such records maintained outside of this state, or
4 2 otherwise provide for the inspection and reproduction
4 3 of such records.
4 4 2. A record of a covered packer obtained by the
4 5 department under this section is confidential and is

4 6 not subject to disclosure except as follows:
4 7 a. Upon the waiver by the covered packer.
4 8 b. Upon request by the office of attorney general
4 9 which shall maintain confidentiality of the records in
4 10 the same manner as required by the department.
4 11 c. In an enforcement action commenced by the
4 12 attorney general as provided in section 202D.9.
4 13 d. When required by subpoena or court order,
4 14 including as part of a civil action as provided in
4 15 section 202D.7.>
4 16 [#30](#). Page 5, line 32, by striking the figure
4 17 <202D.5> and inserting the following: <202D.7>.
4 18 [#31](#). Page 5, line 34, by striking the word
4 19 <reporting> and inserting the following: <business>.
4 20 [#32](#). Page 6, line 10, by striking the word <swine>
4 21 and inserting the following: <in=state=produced
4 22 swine>.
4 23 [#33](#). Page 6, line 17, by striking the figure
4 24 <202D.6> and inserting the following: <202D.8>.
4 25 [#34](#). Page 6, line 22, by striking the figure
4 26 <202D.7> and inserting the following: <202D.9>.
4 27 [#35](#). Page 7, line 8, by striking the figure
4 28 <202D.6> and inserting the following: <202D.8>.
4 29 [#36](#). By renumbering as necessary.
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4 31
4 32
4 33 _____
4 34 JOHN P. KIBBIE
4 35 SF 504.702 82
4 36 da/gg/7897